UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,117	10/30/2001	David D. Faraldo II	05220.P002X	7950

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EXAMINER
TAYLOR, NICHOLAS R

ART UNIT	PAPER NUMBER
2141	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/016,117	FARALDO, DAVID D.
Office Action Summary	Examiner	Art Unit	
	Nicholas R. Taylor	2141	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02 August 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,7-10,15-18,23-26,29 and 41-44* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,7-10,15-18,23-26,29 and 41-44* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>31 October 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☒ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1, 2, 7-10, 15-18, 23-26, 29, and 41-44 have been presented for
examination and are rejected.

Response to Arguments

2.   Applicant's arguments filed August 2nd, 2007, have been fully considered but
they are deemed not persuasive.

3.   In the remarks, applicant argued in substance that:

(A) The prior art of Rangarajan does not teach enabling a standard notification
rule to generate a first notification upon an occurrence of a predetermined event to a
first person in a hierarchy. Rangarajan merely stores an event report for later display
and intentionally avoids generating a notification.

As to point (A), Rangarajan teaches the monitoring of a system for the
occurrence of a predetermined event that will trigger a first notification to a first person
in a hierarchy (col. 5, lines 53-55, where a network administrator receives a notification).
The notification received is referred to as a "signaling action," which Rangarajan defines
as, e.g., e-mail, visual displays, alarms, or other action (col. 5, lines 55-56, which
specifically gives the example of "sounding an alarm"; see earlier in col. 1, lines 37-42
for the definition of "signaling action"). While Rangarajan defines the term "signaling

action" in the context of prior art systems, Rangarajan discusses its use in the context of

the present embodiment's "network manager" disclosed in the system architecture (e.g.,

fig. 2, col. 4, lines 26-39, and col. 5, lines 39-57).

(A) The prior art of Rangarajan does not teach preempting a standard notification

rule while continuing monitoring for the predetermined event. The mid-level manager

stops polling, or monitoring of, that attribute to the device for events and thus no longer

continues to monitor for the predetermined event.

Rangarajan teaches an advanced notification rule that preempts a standard

notification rule by suspending the first notification from being generated upon the

occurrence such that the first notification is generated (see col. 5, lines 39-56, where the

network manager has a standard notification rule that can be preempted by sending a

stop command to a event-generating mid-level manager, such that it suspends the first

notification from being generated upon the occurrence). Rangarajan teaches that the

network manager interacts with a plurality of mid-level managers (see the architecture

of fig. 1 and col. 6, lines 30-41). When interacting with the mid-level managers,

Rangarajan enables attribute fields, that if configured, allows the continued monitoring

for a predetermined event after preempting the standard notification (see the "alternate

proxy field" that is used to continue monitoring for the predetermined event after

preempting the standard notification rule in col. 7, lines 20-29; see specifically the

continued monitoring process of col. 8, lines 40-55, and fig. 5B).

Claim Rejections - 35 USC § 102

4.　　The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.　　Claims 1, 7-9, 15-17, 23-25, 29, and 41-44 are rejected under 35 U.S.C. 102(e)

as being anticipated by Rangarajan (U.S. Patent 5,987,514).

6.　　As per claims 1, 9, 17, and 25, Rangarajan teaches a method, comprising:

enabling a standard notification rule to generate a first notification upon an

occurrence of a predetermined event to a first person in a hierarchy; and (Rangarajan,

col. 5, lines 39-56; col. 9, lines 19-58; fig. 2)

enabling an advanced notification rule to preempt the standard notification rule

by suspending the first notification from being generated upon the occurrence such that

the first notification is not generated (Rangarajan, col. 5, lines 57-63; col. 9, lines 19-58;

fig. 2).

7.　　As per claims 7, 15, and 23, Rangarajan teaches the system further wherein the

advanced notification rule includes a scope and wherein the scope of the advanced

notification rule is configured by at least one of the group consisting of a company, a

satellite, a host assigned to a company, a service configured on a host for a company, a

check type, a host state, a service state, a contact group, and a message pattern

(Rangarajan, col. 7, lines 35-68).

8.   As per claims 8, 16, and 24, Rangarajan teaches the system further where the

advanced notification rule is configured to preempt the standard notification rule for a

temporary amount of time (Rangarajan, col. 7, lines 1-38).

9.   As per claim 29, Rangarajan teaches the system further wherein the

communications device transmit the first notification to the first person in the hierarchy

and the processor acknowledges the first notification (Rangarajan, fig. 2, item 70 and

col. 7, lines 5-58).

10.   As per claims 41, 42, 43, and 44, Rangarajan teaches the system further wherein

the processor is configured to enable the advanced notification rule to preempt the

standard notification rule while continuing monitoring for the predetermined event

(Rangarajan, the structure of col. 6, lines 30-41, where the alternate proxy field is used

to continue monitoring for the predetermined event after preempting the standard

notification rule in col. 7, lines 20-29, col. 8, lines 40-55, and fig. 5B).

Claim Rejections - 35 USC § 103

11.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

12.   Claims 2, 10, 18, and 26 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Rangarajan (U.S. Patent 5,987,514) and Graf (U.S. Patent

5,619,656).

13.   As per claims 2, 10, 18, and 26, Rangarajan teaches the above, yet fails to teach

the system further comprising: generating a second notification to a second person in

the hierarchy based on the advanced notification rule.

Graf teaches an event notification system (Graf, col. 5, lines 38-41) that redirects

an additional notification to a specific person (Graf, col. 21, lines 37-44), generates

supplemental notifications to second persons (Graf, col. 21, lines 30-50), suspends a

standard notification (Graf, col. 20, lines 1-5), and automatically acknowledges

notifications (Graf, col. 20, lines 50-67).

It would have been obvious to one of ordinary skill in the art, at the time the

invention was made, to have combined Rangarajan and Graf to provide the notification

system of Graf in the system of Rangarajan, because doing so would enable a tool that

automatically detects and informs administrators of problems in networking systems in a

manner that is more efficient than statically determining notification destinations (Graf, col. 3, lines 8-24).

Conclusion

14.   Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Taylor whose telephone number is (571) 272-3889. The examiner can normally be reached on Monday-Friday, 8:00am to 5:30pm, with alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number

for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

NT 10-10-07

Nicholas Taylor
Examiner
Art Unit 2141

JASON CARDONE
SUPERVISORY PATENT EXAMINER